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AN ACT

RELATING TO CONSUMER PRODUCTS; REQUIRING AN AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE; PROVIDING FOR A LIMITATION ON LIABILITY; PROVIDING EXCEPTIONS; PROVIDING POWERS TO THE NEW MEXICO DEPARTMENT OF AGRICULTURE; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE--LIABILITY LIMITATION--EXCEPTIONS--PENALTY.--

A. Engine coolant or antifreeze sold in this state after January 1, 2006 that is manufactured after July 1, 2005 and that contains more than ten percent ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million and a maximum of fifty parts per million as an aversive or bittering agent within the product so as to render it unpalatable. A manufacturer or packager of engine coolant or antifreeze subject to the provisions of this section shall maintain a record of the trade name, scientific name and active ingredients of an aversive or bittering agent used pursuant to this section. Information and documentation maintained pursuant to this section shall be furnished to a member of the public upon request.

B. The requirements of this section apply only to

1 manufacturers, packagers, distributors, recyclers or sellers
2 of engine coolant or antifreeze.

3 C. A manufacturer, packager, distributor, recycler
4 or seller of engine coolant or antifreeze that is required to
5 contain an aversive or bittering agent pursuant to this
6 section is not liable to any person for personal injury,
7 death, property damage, damage to the environment or natural
8 resources or economic loss that results from the inclusion of
9 denatonium benzoate in engine coolant or antifreeze.

10 D. The limitation on liability provided in
11 Subsection B of this section is only applicable if denatonium
12 benzoate is included in engine coolant or antifreeze in the
13 concentrations mandated by this section. The limitation on
14 liability provided in Subsection B of this section does not
15 apply to a particular liability to the extent that the cause
16 of that liability is unrelated to the inclusion of denatonium
17 benzoate in engine coolant or antifreeze.

18 E. No political subdivision of this state shall
19 have authority to establish or continue in effect a
20 prohibition, limitation, standard or other requirement
21 relating to the inclusion of an aversive or bittering agent
22 in engine coolant or antifreeze, with respect to retail
23 containers containing less than fifty-five gallons of engine
24 coolant or antifreeze, which is different from, or in
25 addition to, the provisions of this section.

1 F. The provisions of this section do not apply to
2 the sale of a motor vehicle that contains engine coolant or
3 antifreeze.

4 G. The New Mexico department of agriculture has
5 the authority to inspect, investigate, analyze and take
6 appropriate actions to administer and enforce the provisions
7 of this section.

8 H. A person who violates the provisions of this
9 section is guilty of a petty misdemeanor and shall be
10 sentenced in accordance with the provisions of Section
11 31-19-1 NMSA 1978.

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